

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARTIN ROSARIO-RODRIGUEZ,

Defendant.

8:19-CR-295

ORDER

This matter is before the Court on the Defendant's Objection to Presentence Investigation Report ([filing 52](#)). The objection is premature and will be overruled without prejudice to reassertion.

Paragraph 3 of the Court's Order on Sentencing Schedule ([filing 37](#)) provides that the probation office will deliver the initial presentence report to counsel (and through defense counsel, to the defendant) before submitting it to the Court. Paragraph 4 of the sentencing schedule contemplates that counsel may then object to the probation office, so that the parties and the probation office have an opportunity to correct any errors of law or fact in the initial presentence report before it is submitted to the Court. Obviously, counsel and the probation office will not always agree, and the probation office may submit the initial or revised presentence report to the Court, pursuant to paragraph 5 of the sentencing schedule, without making any or all of the changes requested by counsel. At that point, it is appropriate for counsel to assert an objection, pursuant to paragraph 6(c) of the sentencing schedule, raising any unresolved issues with the Court.

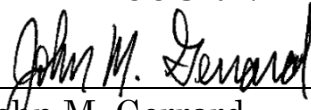
The objection filed in this case is directed at the probation office's initial presentence report, which has not yet been submitted to the Court. The Court assumes that the defendant's objection has also been given to the probation

office, so that the probation office may address them in the final presentence report submitted to the Court. Any issues that are not resolved to counsel's satisfaction may then be reasserted in a sentencing statement filed on or before the date provided in paragraph 6 of the Court's Order on Sentencing Schedule ([filing 37](#)).

IT IS ORDERED that the Defendant's Objection to Presentence Investigation Report ([filing 52](#)) is overruled without prejudice to reassertion.

Dated this 2nd day of January, 2020.

BY THE COURT:

  
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John M. Gerrard  
Chief United States District Judge